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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 NEW YORK MARINE AND  
13 GENERAL INSURANCE COMPANY,  
a New York corporation.,

**Plaintiff.**

v.

16 AMBER HEARD, an individual,,  
17 Defendant.

Case No. 2:22-CV-04685-GW (PDx)  
Consolidated for Pre-Trial Purposes  
with 2:21-cv-5832-GW (PDx)

## JOINT STATUS REPORT

Hon. George H. Wu

19 | AMBER HEARD: an individual

## Counter-Claimant

V

22 NEW YORK MARINE AND  
23 GENERAL INSURANCE COMPANY,  
a New York Corporation.

## Counter-Defendant

1 Pursuant to the Court's August 14, 2023 Minute Order, Plaintiff and Counter-  
 2 Defendant New York Marine and General Insurance Company ("NY Marine") and  
 3 Defendant Amber Heard<sup>1</sup> have met and conferred with regard to scheduling for this  
 4 matter and by and through their undersigned counsel, and hereby submit this Joint  
 5 Scheduling Report. (ECF 75.)

6 On March 13, 2023, the Court granted NY Marine's motion to dismiss Heard's  
 7 Counterclaim against NY Marine, with leave to amend. (ECF 47). Heard subsequently  
 8 declined to amend her Counterclaim. (*See generally*, Dkt.) On August 14, 2023, the  
 9 Court granted Heard's motion for judgment on the pleadings as to NY Marine's First  
 10 Amended Complaint with leave to amend. (ECF 75). On August 28, 2023, NY Marine  
 11 filed a Second Amended Complaint ("SAC"), asserting an amended third cause of  
 12 action for "Declaratory Relief As To Plaintiff's Duty To Defend Heard in the  
 13 Underlying Action [Under] the Policy [California Insurance Code § 533]", and an  
 14 amended fourth cause of action for "Declaratory Relief As To Plaintiff's Duty To  
 15 Defend Heard in the Underlying Action Under The Policy [Conditions]". (ECF 76).

16 On September 6, 2023, Heard filed a motion to dismiss NY Marine's SAC.  
 17 (ECF 78). NY Marine will oppose the motion and its Opposition is due on  
 18 September 21, 2023. The motion is scheduled to be heard on October 12, 2023.

19 In the event that NY Marine's SAC is not dismissed, the Parties propose the

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21 <sup>1</sup> As the Court is aware, on August 21, 2023, Travelers Commercial Insurance  
 22 Company ("Travelers"), the Plaintiff and Counter-Defendant in the related,  
 23 consolidated action entitled *Travelers Commercial Insurance Company v. New York*  
*24 *Marine and General Insurance Company**, U.S.D.C. Case no. 2:21-cv-5832-GW  
 25 (PDx), and Defendant and Counterclaimant in that action, NY Marine, mediated their  
 26 dispute on August 21, 2023, with Bruce A. Friedman at JAMS, Inc. Subsequent to  
 27 that mediation, as indicated in Travelers' September 8, 2023 Notice of Settlement,  
 28 Travelers and NY Marine have resolved their dispute, pending a final settlement  
 agreement and release. On August 11, 2023, the Court vacated all deadlines in that  
 action pending dismissal or a November 9, 2023 hearing. Accordingly, the parties  
 have not included Travelers in the present Joint Report.

1 following pretrial timeline:

Date	Event
2/2/2024	Deadline to hold private mediation
2/16/2024	Deadline to notify court of result of mediation in joint report regarding settlement
3/08/2024	Post-Mediation Status Conference
3/22/2024	Non-Expert Discovery Cut-Off
4/26/2024	Expert Disclosure (Initial)
5/10/2023	Expert Disclosure (Rebuttal)
5/31/2024	Expert Discovery Cut-Off
06/15/2024	Last day to file all motions (including discovery motions)
07/31/2024	Pre-Trial Conference

16 Dated: September 19, 2023

17 McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

18 By: /s/ James P. Wagoner

19 James P. Wagoner

20 Nicholas H. Rasmussen

21 Graham A. Van Leuven

22 Attorneys for Defendant, Counterclaimant, and  
Plaintiff New York Marine and General  
Insurance Company

23 Dated: September 19, 2023

24 PASICH LLP

25 By: /s/ Owen Monkemeier

26 Kirk Pasich

27 Owen Monkemeier

28 Attorneys for Defendant Amber Heard

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## **PROOF OF SERVICE**

**New York Marine and General Insurance Company v. Amber Heard  
USDC Central District of California, Case No. 2:22-cv-04685-GW-PD**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On September 19, 2023, I served true copies of the following document(s) described as **JOINT STATUS REPORT** on the interested parties in this action as follows:

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*Attorneys for Movant Travelers  
Commercial Insurance Company*

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

22  
23 I declare under penalty of perjury under the laws of the United States of  
America that the foregoing is true and correct and that I am employed in the office of  
a member of the bar of this Court at whose direction the service was made.

Executed on September 19, 2023, at Fresno, California.

/s/ Heather Ward  
Heather Ward